



WILLIAMS, PORTER, DAY & NEVILLE P.C.
Wyoming's Law Firm

Exhibit J

Amazon Defendants' Reply Brief in Support of
Their Motion for Protective Order
DeBeer v. Amazon Logistics, Inc., et al.

Stuart R. Day WSB #5-2244
Keith J. Dodson WSB #6-4255
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 North Wolcott, Suite 400 (82601)
P. O. Box 10700
Casper, WY 82602
307-265-0700 telephone
307-266-2306 facsimile
sday@wpdn.net

Attorney for Defendant Amazon Logistics, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF WYOMING

KIMBERLY DEBEER, surviving spouse)	
and wrongful death personal representative)	
of DANIEL DEBEER, deceased,)	
)	
Plaintiff,)	
)	
v.)	
)	
AMAZON LOGISTICS, INC. d/b/a)	Civil Action No. 23-CV-33-ABJ
PRIME, AMAZON.COM, INC.,)	
AMAZON.COM SERVICES LLC,)	
AAF555 LLC, NORTHWEST EXPRESS,)	
LLC and JUSTIN NZARAMBDA,)	
)	
Defendants.)	

AMENDED DECLARATION OF RYAN SANDEFUR

1. My name is Ryan Sandefur and I am over the age of eighteen (18) and fully competent to testify as to the matters herein. I have personal knowledge of all statements contained within this affidavit.

2. I work at Amazon as a Senior Operations Manager. In this role, I have personal knowledge of Amazon's Relay business line at issue in this litigation, including, its operations and the internal

Amazon business records produced in this litigation that are subject to a pending dispute regarding Amazon's confidentiality designations.

3. Through its affiliates, Amazon engages in the retail sale of consumer products and operates fulfillment centers and customer service centers throughout the United States.

4. Amazon Relay is a suite of technology products that enable motor carriers to self-register with Amazon to find, book and execute Amazon shipments and/or loads. This includes capabilities for motor carriers to accept loads, assign drivers and access Amazon's Relay Load Board.

5. Motor carriers that register with Amazon Relay are required to accept current and later versions of the Amazon Relay Carrier Terms of Service and Program Policies (collectively, the "Amazon Agreements"). The initial requirements for a motor carrier to participate in Amazon Relay are verified by a third-party compliance monitoring company, Registry Monitoring Insurance Services. Motor carriers that Amazon approves to participate in Amazon Relay have access to their own unique web portal where they can view load details such as origin, destination, departure time and arrival time and also review, acknowledge and affirmatively accept any revisions to the Amazon Agreements.

6. Amazon posts available shipments to the Relay Load Board, which is virtually accessible by any of the thousands of Relay carriers nationally that may choose to accept a load.

7. On or before March 25, 2021, Amazon made available a shipment of a trailer asset unit from an Amazon facility in Franklin Township, New Jersey to an Amazon facility in Nampa, Idaho on its Relay Load Board. Shortly thereafter, AAF555, LLC (Amazon Relay carrier "ALUGU"), accepted responsibility for transporting the trailer asset unit from the New Jersey Amazon facility to the Idaho Amazon facility and assigned drivers, including, "Edmont Costa."

8. Under the Amazon Agreements, AAF555, LLC had full responsibility for the means and methods of transporting the trailer asset unit from New Jersey to Idaho.

9. Amazon did not authorize AAF555, LLC to assign, sell, subcontract or otherwise broker or double broker the shipment of the trailer asset unit at issue to Northwest Express, LLC.

10. Nonetheless, as detailed in the Wyoming Department of Transportation's crash report relating to the occurrence alleged in the Complaint, Northwest Express, LLC hauled the load at issue and not AAF555, LLC. Amazon's sole role in the occurrence identified in the WDOT crash report was that of a shipper of the trailer asset unit at issue. No employee of Amazon has any personal knowledge of the agreement(s), if any, between AAF555, LLC and Northwest Express, LLC, relating to the shipment of the trailer asset unit; AAF555, LLC's and/or Northwest Express, LLC's means and methods utilized in shipping the trailer asset unit; and/or any other facts relating to the occurrence alleged in the Complaint other than those facts that are capable of being derived or ascertained from Amazon's business records.

11. In order to optimize its logistics and supply chain network, Amazon develops proprietary programs, including Amazon Transportation Services ("ATS") Operator Tools, Freight Management Console ("FMC"), and Amazon Relay For Drivers ("R4D"). Each of these programs is developed by Amazon solely for use by itself or its delivery partners under strict confidentiality agreements.

12. I am familiar with Amazon's ATS, FMC, and R4D programs. Each of these programs was designed specifically by Amazon specifically for its business needs and to provide Amazon with an advantage in its logistics and supply chain networks. Amazon's unparalleled logistics and supply chain management are what allow it to maintain its status as the leader in its industry.

13. ATS is a program within Amazon's logistics operational landscape that oversees the middle mile space and encompasses all logistics, shipping, and consumption of the transportation services that occurs in the interstate or intrastate trucking industry. It includes a variety of "ATS Operator Tools" that not only contain various fields of "account" information related to every middle mile transportation services provider, such as AAF555, LLC and Northwest Express, LLC, but also links the account information to various internal Amazon systems in order to provide a unique to Amazon system of arranging and managing middle mile transportation operations.

14. FMC is a transportation management solution ("TMS") designed by Amazon. TMS is a digital tool that companies use to effectively manage their logistics and transportation functions. Although most, if not all, shipping companies rely on some form of TMS, Amazon developed its own proprietary FMC to, among other things, both provide insight to and streamline its day-to-day operations, centralize and organize transportation data, and allow Amazon to optimize routes, , execute and track shipments, automate processes, and generally plan its logistics and supply chain network. One thing that sets Amazon's FMC apart from other TMS programs is that FMC is integrated with other programs in Amazon's technological suite and collects data to further increase the efficiency of Amazon's logistics and supply chain network.

15. R4D is a mobile application downloaded by drivers working for companies partnered with Amazon under the Relay Terms of Service. It is used by all DDU service providers. The R4D application displays a variety of information to drivers, including shipping schedule information, load pick-up and delivery details and suggested navigation routes. It also permits drivers to check-in/out at Amazon facilities, report status and delays, scan certain shipments at pick-up and delivery locations. Importantly, it also provides information to Amazon that is never accessible to motor carriers or their drivers, including data related to the individual driver, mobile check-in/out events,

commercial navigation metrics including turn-by-turn navigation data and timing data, and data related to the criteria Amazon uses to evaluate motor carrier performance. Not only is this information highly proprietary to Amazon, but allowing motor carriers to know what individual metrics are used would permit manipulation of the metrics and cause them to lose utility as a performance measure.

16. Each of these programs and systems was designed by Amazon solely for its use. If Amazon's competitors were able to access the programs and data that comprises Amazon's logistics and supply chain network, they would be able to optimize their own logistics and supply chain networks and Amazon would lose some of its competitive advantage, the competitive advantage that allowed it to become one of the most recognizable businesses in the country. In order to protect its status as the leader in its industry, Amazon works hard to keep the processes and data behind its logistics and supply chain management systems highly confidential.

17. Amazon keeps its ATS, FMC, and R4D data confidential through a variety of means, including:

- a. Not sharing the policies or the information contained within the policies with the public;
- b. Not providing access to ATS data with employees other than those who need to access the policies as part of their work;
- c. Requiring that employees who are able to access ATS data sign confidentiality and/or non-disclosure agreements;
- d. Providing (annual/semi-annual/monthly) training to employees regarding the importance of maintaining confidential information;
- e. Maintaining a robust cybersecurity and IT department to ensure that no one is able to gain unauthorized access to its data;
- f. Monitoring electronic logs of who has access to the data; and
- g. Continually updating its security and training policies to preemptively address possible leaks.

18. I was recently informed that the plaintiffs in the above referenced matter seek to take a deposition of a corporate designee of Amazon regarding 66 topics, exclusive of subparts, including multiple topics regarding Amazon's technology, policies, procedures, safety records and other information concerning Amazon's safety standards regarding motor carriers and safety performance of motor carriers. I also understand that the plaintiffs in this matter have requested the individual depositions of Steve DasGupta, Brian Coppinger and other current or former employees of Amazon regarding the same issues. In my role and responsibilities with Amazon, I am familiar with the work of the teams of Messrs. DasGupta and Coppinger and/or work with them directly, and I am able to testify as Amazon's corporate designee regarding any topics that would otherwise be appropriate for their depositions.

I declare under penalty of perjury that the foregoing is true and correct.

Ryan Sandefur, Amazon